

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES NEWTON,

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

Case No. 2:16-cv-1672-APG-GWF

ORDER

This matter is before the Court on Plaintiff's Motion to Compel (ECF No. 8), filed on August 15, 2016.

On August 4, 2016, the Court directed Plaintiff to file a fully completed application to proceed *in forma pauperis* or to pay the full \$400 filing fee by September 16, 2016. (ECF No. 2). On August 12, 2016, Plaintiff filed an incomplete application to proceed *in forma pauperis* and an affidavit explaining that he has had difficulties obtaining a financial certificate from prison officials. (ECF No. 4). Thereafter, Plaintiff filed the instant motion to compel requesting that the Court compel prison officials to execute a completed financial certificate for him. (ECF No. 8).

In light of Plaintiff's difficulties in obtaining a financial certificate and an inmate account statement from the prison, the Court grants Plaintiff until Friday, October 14, 2016, to file a fully completed application to proceed *in forma pauperis* in this case. Plaintiff should again request financial certificates and inmate account statements from prison officials for this case and Plaintiff is advised that he must file a completed application to proceed *in forma pauperis* for each case he wishes to pursue in this Court.

If, however, Plaintiff continues to have difficulty obtaining financial certificates and inmate account statements for this case, Plaintiff shall file an affidavit detailing when he requested the

1 documents, who he spoke to about the status of the documents, who he followed up with after he did
2 not receive the documents, and their responses. In other words, if Plaintiff is unable to acquire the
3 necessary documents from prison officials, he must provide the Court with an affidavit that
4 demonstrates that he has done all that he could to acquire the documents by the Court's deadline.
5 Plaintiff's affidavit should include dates of his requests, dates of his follow-up requests, names of the
6 prison officials that he spoke to about the matter, and their responses. If Plaintiff's affidavit
7 demonstrates that he has done all that was possible to acquire the documents, the Court will consider
8 his application to proceed *in forma pauperis* complete. Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel (ECF No. 8) is **denied**.

10 **IT IS FURTHER ORDERED** that on or before **Friday, October 14, 2016**, Plaintiff shall
11 either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with
12 complete financial attachments in compliance with 28 U.S.C. §1915(a); or (2) file an affidavit
13 detailing the efforts he took to acquire a financial certificate and an inmate account statement from
14 prison officials. If Plaintiff chooses to file an affidavit, his affidavit must describe the actions he took
15 to acquire the documents through Friday, October 7, 2016. Plaintiff shall not file an affidavit before
16 that date.

17 **IT IS FURTHER ORDERED** that if Plaintiff does not timely comply with this order,
18 dismissal of this action may result.

19 DATED this 23rd day of August, 2016.

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22 GEORGE FOLEY, JR.
23 United States Magistrate Judge
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